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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,132	02/06/2004	Thomas J. Kennedy III	P-6023-2	8415
23454 7	590 07/13/2005		EXAM	INER
CALLAWAY GOLF COMPANY 2180 RUTHERFORD ROAD CARLSBAD, CA 92008-7328			GORDON, RAEANN	
			ART UNIT	PAPER NUMBER
•			3711	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edemions of time may be available under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filed  Edemions of time may be available under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filed  If the period for reply septide above, the maderims of 37 CPR 1.136(a). In no event, however, may a reply be timely filed  If the period for reply septide above, the maderims of 37 CPR 1.136(a). In no event, however, may a reply be timely filed  If the period for reply septide above, the maderims of 37 CPR 1.136(a). In no event, however, may a reply be timely filed  If the period for reply septide above, the maderims attactory period will be period for reply timely filed for the provision of the filed for the period of the communication, even if timely filed, may reduce any  active provision of the septide for the period for reply vill, by attaction, and the communication, even if timely filed, may reduce any  active part of the septide for the provision of the communication, even if timely filed, may reduce any  active part of the septide for the period for reply vill, by attaction is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/le, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1,5-9.12-15 and 18-20 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 1,5-9.12-15 and 18-20 is/are rejected.  7) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The drawing(s) filed on is/are objected to by the Examiner.  Application Papers  9) The drawing(s) filed on is/are allowed.  10) The drawing(s) filed on is/are allowed.  11) Acknowledgment is made of a claim for foreign priority under	,		Sp
Examiner Reason Gorden 3711  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Examiner of time may be available under the prosessore of 37 CFR 1.158(e). In or event, however, may a reply be limely filled 1 the period for reply specified above, the nearmen stabulary period will apply and will equipe. SIX (5) MONTHS from the mailing date of this communication for reply is period above, the nearmen stabulary period will apply and will equipe. SIX (6) MONTHS from the mailing date of this communication for reply is period above, the nearmen stabulary period will apply and will equipe. SIX (6) MONTHS from the mailing date of this communication, even if limely field, may reduce any searched above, the nearmen stabulary period will apply and will equipe. SIX (6) MONTHS from the mailing date of this communication, even if limely field, may reduce any searched patric term ediplication is for all contained and the mailing date of this communication, even if limely field, may reduce any searched patric term ediplication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.5-9.12-15 and 18-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1.6-9.12-15 and 18-20 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) and 18-20 is/are rejected.  7) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  11) The proposed drawing correction filed on		Application No.	Applicant(s)
Rearn Gorden  The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  I the period for reply specified above is less than thirty (30) days, as yet within the statisticy replays and in the 18th (30) days, as the 18th (30) days will be considered timely.  I the period for reply specified above is less than thirty (30) days, as yet will be considered timely.  I the period for reply specified above is less than thirty (30) days, as yet will be considered timely.  I the period for reply specified above is less than thirty (30) days, as yet will be considered timely.  I the period for reply specified above is less than the replacementation.  I the period for reply specified above is less than the replacementation.  I the period for reply specified above is less than the replacementation.  I the period for reply specified above is less than the replacementation.  I the period for reply specified above is less than the replacementation.  I the period for reply specified above is less than the replacementation.  I the period for reply specified above is less than the replacementation.  A pright received by the Office lister than these months after the mailing date of this communication.  A pright replacementation and the replacementation and replacementation.  Status  I the above claim(s) is/are allowed.  A polication of Claims  A polication and replacementation and replacementation.  I claim(s) is/are objected to by the Examiner.  Application Papers  By The specification is objected to by the Examiner.  Application Papers  By The specification is objected to by the Examiner.  I the proposed drawing cor		10/774,132	KENNEDY, THOMAS J.
The MALLING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of term ship is evaletic under the provisions of J CRF 1.18(a), in no event, however, may a reply be timely filed  1 the period for reply septicide above is less than bithly (30) steps, a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a reply within the statulary minimum of thinty (30) steps a replication is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under £x parts @usyle, 1935 c.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.5-9.12-15 and 18-20 is/are replicated in the papilication.  4) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 3.9-12-15 and 18-20 is/are rejected.  7) Claim(s)	Office Action Summary	Examiner	Art Unit
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Set SX (5) MONTHS that a maintain under the provisions of 32 CFR 1.35(a). In ne event, however, may a reply be timely filed - set SX (5) MONTHS that a maintain under the provisions of 32 CFR 1.35(a). In ne event, however, may a reply be timely filed - set SX (5) MONTHS that a specified above, the maintain and the provisions of 32 CFR 1.35(a). In ne event, however, may a reply be timely filed - set SX (5) MONTHS that a specified above, the maintain a statutory specified will apply and will expire 3X (5) MONTHS from the maintain date of this communication.  - 1		Raeann Gorden	3711
THE MAILING DATE OF THIS COMMUNICATION.  Estations of time may be available under the provisions of 37 CFR 1.13(d), in no event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication.  **The period from they seedled shade to fish a communication of the provision of	The MAILING DATE of this communication Period for Reply	appears on the cover sheet w	ith the correspondence address
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1.5-9.12-15 and 18-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) 1.3-9.12-15 and 18-20 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6)  Claim(s) 8 is/are allowed.  6)  Claim(s) 8 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicantion Papers  9)  The proposed drawing correction filed on is: a) approved by disapproved by the Examiner.  if approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisio	THE MAILING DATE OF THIS COMMUNICATIO  - Extensions of time may be available under the provisions of 37 CFF after SIX (6) MONTHS from the mailing date of this communication  - If the period for reply specified above is less than thirty (30) days, a  - If NO period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by st  - Any reply received by the Office later than three months after the m	N. R 1.136(a). In no event, however, may a increase. It reply within the statutory minimum of thir riod will apply and will expire SIX (6) MON atute, cause the application to become Af	reply be timely filed  ty (30) days will be considered timely.  ITHS from the mailing date of this communication.  BANDONED (35 U.S.C. § 133).
3	1) Responsive to communication(s) filed on	<u>22 April 2005</u> .	
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)	2a) ☐ This action is <b>FINAL</b> . 2b) ☐	This action is non-final.	
4a) Of the above claim(s) is/are withdrawn from consideration.  5)	3) Since this application is in condition for all closed in accordance with the practice uno Disposition of Claims	owance except for formal ma der <i>Ex part</i> e Q <i>uayl</i> e, 1935 C.	tters, prosecution as to the merits is D. 11, 453 O.G. 213.
5)  Claim(s) 1 and 5-7 is/are allowed. 6)  Claim(s) 8.9.12-15 and 18-20 is/are rejected. 7)  Claim(s)  is/are objected to. 8)  Claim(s)  is/are objected to. 8)  Claim(s)  is/are objected to restriction and/or election requirement. Application Papers 9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on  is/are: a)  cecepted or b)  objected to by the Examiner.   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11)  The proposed drawing correction filed on  is: a)  approved b)  disapproved by the Examiner.   If approved, corrected drawings are required in reply to this Office action. 12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   a)  All b)  Some c)  None of:   1.  Certified copies of the priority documents have been received in Application No.  application from the International Bureau (PCT Rule 17.2(a)).   * See the attached detailed Office action for a list of the certified copies not received. 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).   a)  The translation of the foreign language provisional application has been received. 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s) 10  Notice of References Cited (PTO-892) 20  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5  Notice of Informal Patent Application (PTO-152)	4)⊠ Claim(s) <u>1,5-9,12-15 and 18-20</u> is/are pen	ding in the application.	
6) Claim(s) 8.9.12-15 and 18-20 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some *c) □ None of:  1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in Interview In	4a) Of the above claim(s) is/are with	drawn from consideration.	
7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  Attachment(s)  10 Notice of References Cited (PTO-992)  21 Notice of Informal Patent Application (PTO-152)	5)⊠ Claim(s) <u>1 and 5-7</u> is/are allowed.		•
S   Claim(s) are subject to restriction and/or election requirement.   Application Papers	6)⊠ Claim(s) <u>8,9,12-15 and 18-20</u> is/are rejecte	ed.	•
Application Papers  9	7) Claim(s) is/are objected to.		
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11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)	10)☐ The drawing(s) filed on is/are: a)☐ a	ccepted or b) objected to by t	he Examiner.
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Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10 Notice of References Cited (PTO-892)  21 Notice of Draftsperson's Patent Drawing Review (PTO-948)  51 Notice of Informal Patent Application (PTO-152)	<u> </u>	• •	
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a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. §§ 119 and 120		
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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8, 9, 13, 15, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al (6,585,555). Regarding claims 8, 9, 13, and 15, Wong discloses a ball comprising a core and a cover (col. 2, lines 36-40). The cover includes a thermochromic paint (primer) that changes color according to the temperature (abstract). Wong discloses the thermochromic materials suitable for the invention are found in US 4,028,118, Nakasuji et al which is incorporated into the '555, Wong patent (col. 3, lines 40-45). Nakasuji discloses the thermochromic material may include liquid crystals or leuco dye. Regarding claims 13, and 19, several colors are permanently displayed while one or more colors change when the temperature changes (col. 2, lines 57-63).

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12, 14, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. The additional cover and/or core layer is an obvious duplication of the first core and cover layers. One of ordinary skill in the art would have included a second core and/or cover layer to increase the durability of the ball.

## Allowable Subject Matter

Claims 1 and 5-7 are allowed.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 571-272-4409. The examiner can normally be reached on Mon, Tues, Thurs, Fri 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rg July 9, 2005

RAEANN GORDEN